ИССЛЕДОВАТЕЛЬСКАЯ СТАТЬЯ

Формы сотрудничества и взаимодействия органов прокуратуры Российской Федерации с прокуратурой Республики Таджикистан

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DOI: 10.22394/2070-8378-2022-24-2-88-92

Аннотация: В статье проанализированы основные теоретические понятия и правовые положения в сфере сотрудничества и взаимодействия органов прокуратуры Российской Федерации с прокуратурой Республики Таджикистан. Значительное внимание уделено анализу нормативно-правового регулирования международного сотрудничества, а также анализу ведущих принципов, на основе которых осуществляется прокурорская деятельность. В статье исследуются особенности организации работы органов прокуратуры Российской Федерации и Республики Таджикистан в сфере международно-правового сотрудничества, поскольку государства, согласно международным обязательствам, взятым на себя перед другими государствами, осуществляют взаимную помощь в части противодействия, преодоления преступных проявлений, привлечения лиц, совершивших уголовно наказуемые деяния, к ответственности и борьбы с транснациональными проявлениями преступности, в ходе которой обеспечивается неотвратимость наказания лиц, совершивших уголовно наказуемые деяния. Важную роль в этом направлении играет институт международного сотрудничества.

В осуществлении указанной деятельности и достижении положительного результата заинтересовано и общество, поскольку органы прокуратуры Российской Федерации и Республики Таджикистан обеспечивают гарантии прав и свобод человека. В свою очередь, достижение положительного результата в указанном направлении возможно путем активизации международного сотрудничества Российской Федерации и Республики Таджикистан в части международной борьбы с преступностью.

Ключевые слова: Российская Федерация, Республика Таджикистан, надзор, органы прокуратуры, сотрудничество

Дата поступления статьи в редакцию: 2 ноября 2021 года.

Cooperation and interaction between the prosecution authorities of the Russian Federation and the Republic of Tajikistan

RESEARCH ARTICLE

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Abstract: The article analyzes the main theoretical concepts and legal provisions in the sphere of cooperation and interaction between the prosecution authorities of the Russian Federation and the Republic of Tajikistan. The author pays attention to analyzing the legal regulation of international cooperation, as well as reviewing the fundamental principles through which the prosecutorial activity is carried out. The article examines the peculiarities of organizing the work of prosecution authorities of the Russian Federation and the Republic of Tajikistan in the field of international legal cooperation. According to international obligations, the states provide mutual assistance in countering and overcoming criminal manifestations, bringing to justice the perpetrators of unlawful acts, as well as combating transnational manifestations of crime which entails inevitable criminal prosecution and punishment.

An essential role in this direction is played by the institution of international cooperation. The obligations of the Prosecutor's Offices of the Russian Federation and the Republic of Tajikistan also have an impact on society, as their activities are aimed at guaranteeing the implementation of human rights and freedoms. Progress in this area can be achieved by intensifying the international cooperation of the Russian Federation and the Republic of Tajikistan in terms of the international fight against crime.

Keywords: Russian Federation, Republic of Tajikistan, supervision, prosecution authorities, cooperation

The article was received on: November 2, 2021.

Introduction

During complex integration processes, as well as active processes of globalization, one of the reasons to intensify international cooperation between the Russian Federation and the Republic of Tajikistan is determined by the need to consolidate efforts aimed at combating transnational criminal manifestations. Joint work of the relevant authorities of the states is one of the primary and most effective ways of combating international crime.

T.A. Khotambekov specifies that at the moment, given the fleeting processes of human development, the institute of international legal cooperation of prosecution bodies is the most effective form of cooperation between the Russian Federation and the Republic of Tajikistan in the fight against transnational crime, which ensures the inevitability of punishment for persons committing criminal offenses [Khotambekov, 2021. P. 187–191].

International cooperation in combating criminal offenses

The Russian Federation and the Republic of Tajikistan are consistently developing the system of international cooperation in combating criminal offenses, including issues of mutual legal assistance in criminal proceedings.

According to Yu.P. Yakubina, the active use of mechanisms for providing and receiving international legal assistance in the field of countering crime, as well as targeted cooperation of the world community in this direction, is interconnected to the development of modern international crime [Yakubina, 2021. P. 104–107]. At present, criminality has transborder and transnational forms, which has caused the need to consolidate the efforts of the prosecution authorities of the Russian Federation and the Republic of Tajikistan and to carry out joint activities that would ensure an effective response to unlawful actions. These measures include both institutional support and the development of a regulatory framework.

Currently, the Prosecutor General's Office of the Russian Federation has interagency agreements and other cooperation arrangements with 36 states, including with the Prosecutor General's Office of the Republic of Tajikistan. On December 7, 1995, the Prosecutor General's Office of the Russian Federation signed an Agreement on Legal Assistance and Cooperation (hereinafter – Agreement) with the Prosecutor General's Office of the Republic of Tajikistan. According to this Agreement, the Prosecutor General's Offices of the Russian Federation and the Republic of Tajikistan should assist each other in forwarding materials on prosecutorial and investigative activities, including archival information; performing individual procedural actions; performing supervisory functions related to the investigation of crimes; assisting in the search for persons who have committed crimes, missing persons and the convoy of arrested and convicted persons; combating offenses in economic and foreign economic activities; environmental protection; exchanging available information on crimes and persons involved in them; exchanging information on lawmaking and law enforcement activities, data on the status and trends of crime.

According to K.V. Serebryakova, cooperation also takes place in the form of exchanging work experience and scientific and technical information on the prosecution authorities' activities, joint research, and development of programs on issues of mutual interest [Serebryakova, 2019(a). P. 65–67].

Strengthening the cooperation within the framework of the Coordinating Council of Prosecutor Generals of the CIS member-states

The primary role in protecting human and civil rights and freedoms and combating crime as well as strengthening cooperation between the prosecution authorities of the Russian Federation and the Republic of Tajikistan is assigned to the Coordination Council of Prosecutor Generals of the Commonwealth of Independent States (hereinafter – CCPG CIS).

The CCPG CIS was established by a joint decision of the Prosecutor Generals of the CIS member-states on December 7, 1995. On January 25, 2000, by the decision of the Council of Heads of States on the Coordinating Council of Prosecutor Generals of the Commonwealth of Independent States, it was granted the status of the interstate body of the Commonwealth of Independent States. At present, the CCPG CIS includes nine prosecutor's offices. I.V. Krasnov, Prosecutor General of the Russian Federation, is the Chairman of the CCPG CIS.

Within the framework of the Council's work, the Prosecutor Generals' Offices of the Russian Federation and the Republic of Tajikistan carry out measures to correspond joint efforts, coordinate actions, and expand collaboration between prosecutors' offices of the CIS member-states in protecting the rights and freedoms of citizens, strengthening law and order and combating crime; develop proposals for the convergence of national legislation; participate in developing the legal and contractual framework of the CIS.

The Russian Federation and the Republic of Tajikistan have acceded to numerous multilateral conventions in this field. These agreements were drafted and concluded within the framework of activities of the UN, the Council of Europe, and other international organizations dedicated to counteracting international criminality. Some additional bilateral treaties have been signed with other states in this area.

The Russian Federation and the Republic of Tajikistan are parties to many international legal treaties, which include: the UN Convention against Corruption of October 31, 2003; the Council of Europe Convention on Corruption of January 27, 1999; the Council of Eu-

rope Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of November 8, 1990; the UN Convention against Transnational Organized Crime of November 15, 2000; the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of December 17, 1997. Special attention is paid to anti-corruption cooperation with post-Soviet countries. On April 25, 2007, an Agreement on Cooperation of Prosecutor Generals' Offices (Prosecutors' Offices) of the Commonwealth of Independent States Member States in Combating Corruption was signed, and specific model laws were adopted[1].

According to A.D. Korshunova, for international cooperation, the most significant are the foundations enshrined in the normative legal acts of international law [Korshunova, 2021. P. 93–95]. In the opinion of A.V. Zhirov, it is necessary to consider such provisions as: the sovereign equality of States; conscientious fulfillment of obligations in international law; equality and self-determination of the peoples; respect for human rights and fundamental freedoms; territorial integrity of States, and the inviolability of borders [Zhirov, 2019. P. 90–101].

As P.S. Abdulloev points out, these principles are interrelated and will function effectively only when the member states fulfill conscientiously both the obligations arising from universally recognized principles of international law and those resulting from treaties or other agreements signed by them in compliance with international law. This list of principles cannot be considered exhaustive since, with the signing of new agreements on cooperation or mutual assistance in criminal proceedings may be adjusted both the list and their content which significantly affect the effectiveness of such cooperation and the evaluation of the prosecutorial authorities' activities [Abdulloev, Makhmudov, 2015. P. 114–121].

According to A. Buksman, during the pre-trial investigation of criminal proceedings, the main objectives of extradition are to prevent attempts by a person to evade the pre-trial investigation authorities and continue to engage in illegal activity, to ensure the safety of sources of evidentiary information, to verify circumstances that could prevent extradition, to respect the rights and freedoms of the person to be extradited, etc.[2]

A.V. Zhirov believes that the timely decision-making in transferring criminal proceedings to prosecute a person abroad and the proper material drafting is particularly essential for organizing further criminal prosecution by the competent authorities of a foreign state, adopting a legal and reasonable decision, as well as ensuring the rights of citizens and general principles of criminal proceedings [Zhirov, 2019. P. 136]. We fully agree with this idea since the fundamental principle of a person's criminal responsibility is the imminence of punishment for the crime committed.

According to the content of international cooperation, its importance and tasks, the specifics of normative-legal regulation, and the implementation of legal relations, this sphere of prosecutor's office activity can be considered an independent function of the Prosecutors' Offices of the Russian Federation and the Republic of Tajikistan. This has the prospect of further development due to the expansion of international relations between the Ukrainian sovereign state and its law enforcement agencies.

Conclusion

Having analyzed the experience of interaction between prosecution authorities of the Russian Federation and the Republic of Tajikistan in the field of international legal cooperation, we can draw the following conclusions:

Establishing the institution of international cooperation has long been the most effective form of states' mutual assistance in combating transnational criminal manifestations, given that the prosecutorial agencies ensure the inevitableness of crime punishment.

At the stage of pre-trial investigation, the main tasks facing the institution of international legal cooperation in criminal proceedings are international legal assistance, extradition of a person, and transfer of criminal proceedings.

In international legal cooperation, the prosecution authorities of the Russian Federation and the Republic of Tajikistan during the pre-trial investigation of criminal proceedings have a predominant position since they are simultaneously entrusted with diverse types of powers: interaction with the competent institutions of foreign states, consideration, direct implementation, control over respect for human and civil rights and freedoms.

Thus, in terms of implementing international legal cooperation, the prosecution authorities of the Russian Federation and the Republic of Tajikistan are not only subjects but also executors of the supervisory function. Accordingly, the activities of bodies of pre-trial investigation require strict adherence to discipline and legality, as well as precise execution of official duties.

Having analyzed the above, we can conclude that in the field of protecting human and civil rights and freedoms and combating criminality, the fundamental

1 On the 8th session of the Conference of State-members to the UN Convention against Corruption. https://www.mid.ru/o-8-j-sessii-konferencii-gosudarstv-ucastnikovkonvencii-oon-protiv-korrupcii

2 *Buksman A.* The number of companies prosecuted for bribery has doubled in five years. First Deputy Prosecutor General spoke on the status of fighting against corruption and the state of international cooperation in this area [Interview with Buksman A.]. *Interfaks*. December 9, 2019. https://www.interfax.ru/interview/687205

principles of international cooperation between prosecution authorities of the Russian Federation and the Republic of Tajikistan are: coordination of work plans; exchange of information; verification of execution (compliance) with the legality of actions; joint participation in conferences and operational meetings; training of prosecutors; collaborative preparation of draft regulations; consideration and submission of requests for investigative and other procedural actions in a foreign country that require the consent of the prosecutor; assistance in summoning witnesses, victims, an expert, a civil plaintiff, a civil defendant, and their representatives located outside of Russia to conduct procedural actions in Russia and oversee the observance of their rights and legitimate interests; execution of requests for procedural actions submitted under the established procedure from the competent authorities and officials of foreign states; consideration and referral of criminal case materials for criminal prosecution of a person located in a foreign state that committed a crime on the territory of Russia.

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Ссылка для цитирования: *Каландаршохи Р.* Формы сотрудничества и взаимодействия органов прокуратуры Российской Федерации с прокуратурой Республики Таджикистан. *Государственная служба*. 2022. № 2. С. 88–92.

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For citation: *Kalandarshokhi R.* Cooperation and interaction between the prosecution authorities of the Russian Federation and the Republic of Tajikistan. *Gosudarstvennaya sluzhba*. 2022. No. 2. P. 88–92.